

HOUSE No. 1441

By Ms. Jehlen of Somerville, petition of Patricia D. Jehlen and others relative to law enforcement investigations of identity theft. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

PETITION OF:

Patricia D. Jehlen	Bruce E. Tarr
Anne M. Paulsen	Barbara A. L'Italien
Ellen Story	Benjamin Swan
Thomas P. Kennedy	John W. Scibak
Richard R. Tisei	Walter F. Timilty
J. James Marzilli, Jr.	

In the Year Two Thousand and Five.

AN ACT TO PREVENT IDENTITY THEFT IN THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. This section amends Chapter 266 of the Massa-
2 chusetts General Laws by adding Section 37F(1) to this chapter.
3 Section 37F(1) provides that a person who suspects another
4 person of unlawfully using his or her personal identifying infor-
5 mation, (the "complainant"), may request the local law enforce-
6 ment agency to investigate the claim. This section also requires
7 the local law enforcement agency to provide the complainant a
8 written report of the claim and respond within four weeks.

1 SECTION 2. This section amends Chapter 266 of the Massa-
2 chusetts General Laws by adding Section 37F(2) to this chapter.
3 Section 37F(2) provides that a person whose record indicates
4 the police department arrested an identity thief using the com-
5 plainant's identity may request an expedited judicial review of
6 factual innocence. This procedure uses declarations, affidavits,
7 and other material to determine whether the person committed the
8 offenses at issue.

1 SECTION 3. This section amends Chapter 266 of the Massa-
2 chusetts General Laws by adding Section 37F(3) to this chapter.

3 Section 37F(3) requires the Massachusetts State Police to create
4 a database of confirmed identity theft victims. This section also
5 provides that a police officer must access the database and the
6 Registry of Motor Vehicle's Driver's License Database at the
7 identifying stage of an arrest.

1 SECTION 4. This section amends Chapter 266 of the Massa-
2 chusetts General Laws by adding Section 37F(4) to this chapter.

3 Section 37F(4) provides that the Attorney General shall ensure
4 the Massachusetts State Police establish and administer the new
5 database. This section also provides that the Massachusetts State
6 Police shall annually report database use and identity theft arrests
7 to the Attorney General.

1 SECTION 5. This section amends Chapter 266 of the Massa-
2 chusetts General Laws by adding Section 37F(5) to this chapter.

3 This section provides definitions for the new Act.